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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4554
RUCNIAD/IGAD COLLECTIVE
RUEHDS/AMEMBASSY ADDIS ABABA 9875
RUEHDR/AMEMBASSY DAR ES SALAAM 5765
RUEHDJ/AMEMBASSY DJIBOUTI 5092
RUEHKM/AMEMBASSY KAMPALA 2603
RUEHKH/AMEMBASSY KHARTOUM 1871
RUEHLO/AMEMBASSY LONDON 2635
RUEHFR/AMEMBASSY PARIS 2569
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RHMFIUU/CJTF HOA

UNCLAS SECTION 01 OF 05 NAIROBI 000370

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [KE](#)

SUBJECT: KENYA'S ELECTORAL CRISIS: PNU AND
ODM AGREE AGENDA AND TIMETABLE FOR FURTHER
NEGOTIATIONS

¶1. Summary: The Party of National Unity (PNU) and the Orange Democratic Movement (ODM) agreed a framework for further negotiations to resolve Kenya's electoral crisis. The parties signed several documents, all of which were witnessed by former UN Secretary General Kofi Annan in his capacity as mediator on behalf of the African Eminent Leaders.

¶2. The parties issued the following Joint Statement.

Begin text.

JOINT STATEMENT BY THE KENYAN NATIONAL
DIALOGUE AND RECONCILIATION

At its third session held on 1 February 2008, under the chairmanship of Mr Kofi Annan, chairman of the panel of Eminent African Personalities, the parties to the Kenyan National Dialogue and Reconciliation, namely the Government of Kenya/Party of National Unity and the Orange Democratic Movement, agreed on the agenda and timetable for the talks.

The agenda contains the following items:
Immediate Action to Stop Violence and Restore Fundamental Rights and Liberties;
Immediate Measures to Address the Humanitarian Crisis, Promote Reconciliation, Healing and Restoration; How to Overcome the Current Political Crisis; and Long-Term Issues and Solutions.

The parties also agreed on a joint public statement reflecting the agreements reached on specific actions to address agenda item number 1 (Immediate Action to Stop Violence and Restore Fundamental Rights and Liberties).

These actions include among others refraining from irresponsible and provocative statements; holding joint meetings to promote peace and tranquility and demobilizing and disbanding illegal

armed groups and militia; ensuring freedom of expression, press freedom and the right to peaceful assembly; the impartial, effective and expeditious investigation of all cases of crime and police brutality and/or excessive use of force; the protection and assistance to the safe return of all internally displaced persons to their homes and places of work.

The parties agreed that the first three agenda items would be resolved within 7 to 15 days from the date the dialogue began on 29 January 2008. The fourth agenda item would be resolved within one year of that date.

The parties will resume work on Monday 4 February, 2008.

End text.

¶3. The parties signed the following Agenda and timetable for future talks.

Begin Text.

KENYAN NATIONAL DIALOGUE AND RECONCILIATION
THROUGH THE MEDIATION OF H.E. KOFI A. ANNAN
AND THE PANEL OF EMINENT AFRICAN
PERSONALITIES ON THE RESOLUTION OF THE
POLITICAL CRISIS

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ANNOTATED AGENDA AND TIMETABLE

At the fourth session held on 1 February 2008 under the chairmanship of Mr. Kofi Annan, of the Panel of Eminent African Personalities, the Parties to the Kenyan National Dialogue and Reconciliation on the resolution of the political crisis and its root causes, namely the Government of Kenya/Party of National Unity and the Orange Democratic Movement, agreed on the following Agenda for the dialogue:

¶A. ANNOTATED AGENDA

¶1. IMMEDIATE ACTION TO STOP VIOLENCE AND RESTORE FUNDAMENTAL RIGHTS AND LIBERTIES
Both Parties understand that resolving this crisis politically is a matter of immediate priority and have reiterated their commitment to finding a just and durable solution. Discussions on Agenda point 1 will be conducted to identify and agree on the modalities of implementation of immediate action aimed at:

-Stopping the wave of violence that has gripped the country since the announcement of the results of the Presidential Elections;

-Enhancing the security and protection of the population and their property;

-Restoring the respect for the sanctity of human life;

-Ensuring that the freedom of expression, press freedom and the right to peaceful assembly are upheld;

12. IMMEDIATE MEASURES TO ADDRESS THE HUMANITARIAN CRISIS, PROMOTE RECONCILIATION, HEALING AND RESTORATION

Discussions will be conducted to identify and agree on the modalities of implementation of immediate measures aimed at:

- Ensuring that the assistance to the affected communities and individuals is delivered more effectively;

- Ensuring the impartial, effective and expeditious investigation of gross and systematic violations of human rights and that those found guilty are brought to justice;

- Ensuring that the processes of national healing, reconciliation and restoration start at once.

13. HOW TO OVERCOME THE CURRENT POLITICAL CRISIS

Under this Agenda item, the Parties will negotiate and agree on a solution towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya,

The current crisis revolves, in large measure, around the issues of power and the functioning of state institutions. Its resolution may require adjustments to the current constitutional, legal and institutional frameworks.

14. LONG-TERM ISSUES AND SOLUTIONS

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Poverty, the inequitable distribution of resources and perceptions of historical injustices and exclusion on the part of segments of the Kenyan society constitute the underlying causes of the prevailing social tensions, instability and cycle of violence. Discussions under this Agenda item will be conducted to examine and proposed solutions for long-standing issues such as, inter alia:

- Undertaking constitutional, legal and institutional reform

- Tackling poverty and inequity, as well as combating regional development imbalances;

- Tackling unemployment, particularly among the youth;

- Consolidating national cohesion and unity;

- Undertaking a Land Reform;

- Addressing transparency, accountability and impunity.

B) TIMETABLE

The Parties agreed that Agenda items 1, 2 and 3 would be resolved within a period of between 7 and 15 days from the date of commencement of the Dialogue, while Agenda item 4 would be resolved within a period of

one year after the commencement of the
Dialogue (launched on 28 January 2008)

Done in Nairobi, Kenya, on 1 February 2008
For the Government/PNU Delegation: Martha Karua
For the ODM Delegation: Musalia Mudavadi
Witnessed by Chairperson: Kofi Annan

14. The parties also issued the following Public
Statement.

Begin text.

Public Statement
Kenya National Dialogue and Reconciliation
Mediated by H.E. Kofi Annan and the Panel of Eminent
African Personalities

Feb 1, 2008

Preamble:

Goal:

To ensure that the National Dialogue and Reconciliation is
carried out in a continuous and sustained manner towards
resolving the political crisis arising from the disputed
presidential electoral results as well as the ensuing
violence in Kenya in line with the agreement between His
Excellency Mwai Kibaki and Honourable Raila Odinga as
publicly announced on 24th January and reaffirmed on 26th
January 2008 at County Hall in Nairobi.

The final goal of the National Dialogue and Reconciliation
is to achieve sustainable peace/ stability and justice in
Kenya through the rule of law and respect for human rights.

Noting with concern the situation of insecurity in the
country;

We need to take the following steps to immediately halt the
violence:

1. To the Police:

a. The police must act in accordance with the Constitution

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and the law and in particular the Police Act and the Force
Standing Orders. While the police are entitled to use
reasonable force to protect vulnerable populations and in
case of self defence, live bullets must not be used on
unarmed civilians in unjustifiable circumstances.

b. The security forces must carry out their duties and
responsibilities with complete impartiality and without
regard to ethnicity, political persuasion, or other
partisan consideration.

c. The deployment of the security agents must at all times
promote and reflect national integration and harmony.

d. In order to harmonise security activities at all levels,
there is a need for the cross flow of information between
administrative units and the leadership at every level.

2. To the Public:

a. All leaders should embrace and preach the peaceful
coexistence of all communities and refrain from
irresponsible and provocative statements.

b. Mobilise local community, religious, political, business
and civil society leaders to hold joint meetings to promote
peace and tranquility and stand up for justice and

fairness.

c. All Kenyan citizens should stop acts of violence.

d. All illegal armed groups and militias should be demobilized and disbanded.

e. We appeal to all youths throughout the country not to participate in acts of lawlessness particularly those leading to harm or loss of human life and destruction of property.

f. We call upon the victims and those affected by violence to exercise restraint and avoid any acts of revenge or retaliation.

13. As to the restoration of fundamental rights and civil liberties:

a. Ensure that the freedom of expression, press freedom and the right to peaceful assembly are upheld. A suitable code of conduct on live coverage broadcasts, should be developed promptly by the Media Council in consultation with the Ministry of Information and implemented forthwith. This should include punitive measures against abuse.

b. Peaceful assembly as guaranteed by the Constitution should be protected and facilitated. Leaders and the public attending such meetings must ensure that meetings are peaceful, orderly and conducted in conformity with the law.

c. Impartial, effective and expeditious investigations on all cases of crime and police brutality and/or excessive use of force should be undertaken forthwith.

d. Enforce law and order to protect life and property, and to ensure that roads and railways are open and safe for people, goods and services. Major transit routes must be secured and safe passage on all internal road networks throughout the country be guaranteed.

e. All workers, both public and private, must be assisted to return safely back to their places of work. Reopen all institutions of learning and assist teachers and children to return in an environment of safety.

f. All internally displaced persons should be protected and assisted to return safely to their homes and places of work and their rights to reside anywhere in the country be upheld.

g. In order to promote food security, displaced farmers should be assisted to return to their farms. All farmers affected by the crisis should be assisted and encouraged to

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safely resume their farming activities.

h. Hate and threatening messages, leaflets, sms, or any other broadcasts of that nature must cease forthwith.

i. All criminal activities, particularly those of a violent nature, should be prosecuted forthwith.

Signed on this day, February 1, 2008

On behalf of the government/PNU:

Hon. Martha Karua
Hon. Sam Ongeru
Hon. Mutula Kilonzo

On behalf of ODM:

Hon. Musalia Mudavadi
Hon. William Ruto

Hon. James Orengo

Witnessed by:
For the Panel of Aminent African Personalities
H.E. Kofi A. Annan
Chairperson
End text.

RANNEBERGER